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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 DARREN CORNELIUS STANLEY,
21 Petitioner,

22 vs.

23 KEVIN CHAPPELL, Acting Warden,
24 San Quentin State Prison,

25 Respondent.

) Case No: C07-4727-EMC

) **DEATH PENALTY CASE**

) **STIPULATION AND [PROPOSED]**
) **ORDER RE: TRANSFER OF**
) **PETITIONER TO MARIN GENERAL**
) **HOSPITAL FOR BRAIN MRI**

1 WHEREAS, on April 24, 2012, the Court directed the parties to submit a Joint Case-
2 Management Statement addressing the structure and schedule for its determination of
3 Petitioner's present competency to assist counsel and participate in these capital habeas corpus
4 proceedings [Doc. No. 56];
5

6 WHEREAS, by filings dated May 8 and 15, 2012, the parties filed their Joint Case-
7 Management Statement and replies [Docs. No. 57-59];
8

9 WHEREAS, Petitioner has placed the mental condition of Dementia due to multiple
10 etiologies in controversy by relying upon, inter alia, the results of a 2007 brain CT scan taken
11 at San Quentin Prison which showed evidence of irreversible degenerative changes (bifrontal
12 encephalomalacia) in the frontal lobes of Petitioner's brain;
13

14 WHEREAS, Petitioner is informed and thereupon believes that brain MRI is a more
15 sensitive imaging test than CT, and brain MRI may show additional smaller post-traumatic
16 abnormalities which may be missing on CT, i.e., anterior temporal lobe abnormality or old
17 small shear hemorrhages;
18

19 WHEREAS, Respondent reserves its rights to contest any and all of these findings,
20 and/or their significance, if any, to the issue of Petitioner's present competency, but does not
21 object to the issuance of a Transfer Order, provided that Petitioner shall disclose to
22 Respondent a copy of the brain MRI if Petitioner seeks to present expert testimony based
23 upon it in the course of these competency proceedings (Fed. R. Civ. Pro. 26(a)(2)(B)(ii));
24

25 WHEREAS, Petitioner is informed, and thereupon believes that San Quentin State
26 Prison will transport Petitioner to Marin General Hospital to undergo a brain MRI at a date
27 and time set by mutual convenience to both prison and hospital, only upon issuance of this
28

1 Court's Transfer Order, and Petitioner's counsel's agreement to reimburse the prison for its
2 transportation costs;

3 WHEREAS, the parties agree that Respondent or the prison shall not bear any of the
4 costs associated with the transfer or the medical testing;
5

6 NOW THEREFORE, it is hereby stipulated and agreed by and between the parties,
7 subject to the approval of this Court that:

8 1. Upon Petitioner's service of this Order, San Quentin State Prison shall arrange
9 for the transportation of Petitioner to Marin General Hospital at a date and time set by mutual
10 convenience to both prison and hospital, but no later than 45-days after the issuance of this
11 Order; and
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2. Petitioner shall submit a proposed budget amendment for related fees and costs under seal to the CJA Department of the Court.

IT IS SO STIPULATED.

Dated: July __, 2012

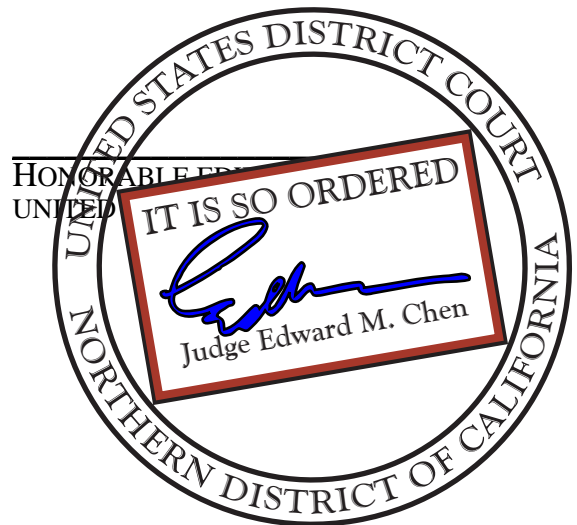
By: /s/
ROGER I. TEICH
DAVID NICKERSON
Attorneys for Petitioner
DARREN CORNELIUS STANLEY

Dated: July __, 2012

By: /s/
KAMALA D. HARRIS
Attorney General of California
ALICE B. LUSTRE
Deputy Attorney General
MICHELE J. SWANSON
Deputy Attorney General
Attorneys for Respondent
KEVIN CHAPPELL, Acting Warden

IT IS SO ORDERED.

Dated: 7/31/12



CERTIFICATE OF SERVICE

Case Name: **Darren Cornelius Stanley v. Kevin Chappel,** No. **C07-4727-EMC**
Acting Warden

I hereby certify that on July 26, 2012, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

STIPULATION AND [PROPOSED] ORDER RE: TRANSFER OF PETITIONER TO MARIN GENERAL HOSPITAL FOR BRAIN MRI

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct and that this declaration was executed on July 26, 2012, at San Francisco, California.

Roger I. Teich
Declarant

/s/ Roger I. Teich
Signature